

**REMARKS**

This Application has been carefully reviewed in light of the Office Action dated June 30, 2005. Claims 1-19 were pending in the Application. In the Office Action, Claims 1-19 were rejected. Claims 1-19 remain pending in the Application. Applicants respectfully request reconsideration and favorable action in this case.

As an initial matter, Applicants' representatives' custom is to send a Status Inquiry to the Patent Office when nothing has been received from the Patent Office with respect to any application filed over two years prior. In checking P.A.I.R. to obtain necessary information to complete such Inquiry in the instant case, it was noticed that the Patent Office had mailed the present Office Action. According to P.A.I.R., the subject Office Action was never received by Applicants and had in fact been returned by the U.S. Post Office to the Patent Office apparently due to an improperly addressed and/or prepared envelope (courtesy copy of entire downloaded Office Action, including the P.A.I.R. copy of the returned envelope enclosed herewith). The Office Action indicates a mailing date of June 30, 2005. However, the returned Office Action was not received by the Office until July 12, 2005, which appears to indicate that the Office Action was not initially mailed on or near June 30, 2005. The Office Action was never remailed by the Patent Office. Further, Applicants' respectfully remind the Examiner that if an office Action is returned to the Office, the Action **must** be stamped "remailed" with the date of remailing, and the period running against the application for responding to the Office reset to the date of remailing. M.P.E.P. § 707.13. The Office Action was never remailed, and the requirements set forth in M.P.E.P. § 707.13 were not followed for the instant Application, despite several telephone requests of the Examiner by Applicants' representatives. ✓

Nevertheless, in a good faith effort to advance prosecution, Applicants' representatives downloaded a copy of the present Office Action from P.A.I.R. and are timely responding despite the fact they were given less than two weeks of the original three month time period and despite the steadfast refusal by the Examiner to reset the period for response.

As a further courtesy, Applicants have amended the specification beginning on page 1 to include serial numbers of related applications. Favorable action is respectfully requested.

In the Office Action, the following actions were taken or matters were raised:

### **SECTION 102 REJECTIONS**

Claims 1-19 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,477,651 issued to Teal (hereinafter "*Teal*"). Applicants respectfully traverse this rejection.

Of the rejected claims, Claims 1 and 10 are independent. Applicants respectfully submit that *Teal* does not disclose or even suggest each and every limitation of independent Claims 1 and 10. For example, independent Claim 1 recites "determining the machine-readable signature file has an associated squelch comprising a squelch threshold and a squelch period" (emphasis added). In the Office Action, the Examiner refers to column 4, line 48 to column 5, line 8 of *Teal* as purportedly disclosing the above-referenced limitation(s) of Claim 1 (Office Action, page 3). Applicants respectfully disagree. *Teal* appears to disclose that a communications interface 26 accepts command and control instructions from a command and control module 28 and provides events, such as alarms indicating malicious or unauthorized use of the network, to an events module 30 (*Teal*, column 4, lines 52-56). *Teal* also appears to disclose an intrusion detection analysis engine 16 that accepts network data from a data collector converter 14 and communicates with one or more analysis objects 18 (*Teal*, column 4, lines 59-61). *Teal* further appears to disclose that the instance of the analysis object 18 of *Teal* allows the intrusion detection analysis engine 16 to determine whether a signature associated with the analysis object 18 exists in the network data, and if there is an indication of the existence of a signature or other analyzed event, intrusion detection analysis engine 16 communicates an alarm through intrusion detection system control interface 22 and communications interface 26 to the events module 30 (*Teal*, column 4, line 68 to column 5, line 8). *Teal* does not disclose or even suggest, in any manner whatsoever, a "squelch" as recited by Claim 1, much less a "squelch threshold" or a "squelch period" as recited by Claim 1. Thus, *Teal* does not disclose or even suggest,

either in the portion of *Teal* referred to by the Examiner or elsewhere in *Teal*, “determining the machine-readable signature file has an associated squelch comprising a squelch threshold and a squelch period” as recited by Claim 1 (emphasis added). Accordingly, for at least this reason, *Teal* does not anticipate independent Claim 1.

Independent Claim 10 recites “determining the machine-readable signature file has an associated squelch comprising a squelch threshold and a squelch period” (emphasis added). At least for the reasons discussed above in connection with independent Claim 1, Applicants respectfully submit that *Teal* does not anticipate independent Claim 10.

Claims 2-9 and 11-19 that depend respectively from independent Claims 1 and 10 are also not anticipated by *Teal* at least because they incorporate the limitations of respective Claims 1 and 10 and, also, add additional elements that further distinguish *Teal*. Therefore, Applicants respectfully request that the rejection of Claims 2-9 and 11-19 be withdrawn.

Therefore, Applicants respectfully submits the rejection of Claims 1-19 is improper and should be withdrawn.



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*IFW*

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,501	10/31/2001	Richard Paul Tarquini	10004010-1	7378

7590 06/30/2005

HEWLETT-PACKARD COMPANY  
Intellectual Property Administration  
P.O. Box 272400  
Fort Collins, CO 80527-2400

EXAMINER

ZIA, SYED

ART UNIT PAPER NUMBER

2131

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

courtesy copy

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JUL 12 2005



### Office Action Summary

Application No.

10/003,501

Applicant(s)

TARQUINI ET AL.

Examiner

Syed Zia

Art Unit

2131

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on 31 October 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### DETAILED ACTION

This office action is in response to application filed on October 31, 2001. Original application contained Claims 1-19. Therefore, Claims 1-19 are pending for further consideration.

#### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Teal (U. S. Patent 6,447,651).

1. Regarding Claim 1 teal teaches and describes a method of analyzing frames at a node of a network by an intrusion prevention system executed by the node (Fig.1), comprising:  
reading the frame by the intrusion prevention system (col.4 line 16 to line 28);

comparing the frame with a machine-readable signature file (col.4 line 29 to line 40);  
determining the frame has a frame signature that corresponds with the machine-readable signature file (col.4 line 41 to line 47); and  
determining the machine-readable signature file has an associated squelch comprising a squelch threshold and a squelch period (col.4 line 48 to col.5 line 8).

2. Regarding Claim 10 Teal teaches and describes a computer-readable medium having stored thereon a set of instructions to be executed, the set of instructions, when executed by a processor, cause the processor to perform a computer method (Fig.1) of:

reading a frame (col.4 line 16 to line 28);  
comparing the frame with a machine-readable signature file (col.4 line 29 to line 40);  
determining the frame has a frame signature that corresponds with the machine-readable signature file (col.4 line 41 to line 47); and  
determining the machine-readable signature file has an associated squelch comprising a squelch threshold and a squelch period (col.4 line 48 to col.5 line 8).

3. Claims 2-4, 7-8, and 11 are rejected applied as above rejecting claims 1, and 10.

Furthermore, Teal Teaches and describes a system and method, further comprising

As per Claim 2 disabling execution of a directive of the machine-readable signature file if a frame counter exceeds the squelch threshold (col.5 line 9 to line 35, col.5 line 45 to line 51).

As per Claim 3 incrementing a frame counter upon determination that the frame signature corresponds with the machine-readable signature (col.45 line 45 to line 60).

As per Claim 4 determining whether the squelch period has elapsed (col.5 line 35 to line 51).

As per Claim 7 executing a directive of the machine-readable signature file upon determination that the squelch threshold has not been exceeded (col.4 line 28 to line 58).

As per Claim 8 suppressing execution of a directive of the signature file upon determination that the squelch threshold has been exceeded (col.5 line 35 to line 60, and col. 4 line 16 to line 40).

As per Claim 11 a set of instruction that, when executed by the processor, cause the processor to perform a computer method of periodically incrementing a squelch period timer assigned to the machine-readable signature file (col.4 line 48 to col.5 line 60).

4. Claims 5, 6, 9, 12 are rejected applied as above rejecting claims 3, 4, 8, and 11.

Furthermore, Teal Teaches and describes a system and method, further comprising

As per Claim 5 initiating a new squelch period upon determining the squelch period has elapsed (col.5 line 35 to line 60).

As per Claim 6 determining if the squelch threshold has been exceed by the frame counter (col.4 line 16 to line 40).

As per Claim 9 wherein suppressing execution of a directive of the signature file further comprises suppressing execution of report generation associated with the determination that the frame signature corresponds with the machine-readable signature file (col.5 line 9 to line 22).

As per Claim 12 determining if the squelch period timer equals or exceed the squelch period (col.5 line 35 to line 51).

5. Claims 13-19 are rejected applied as above rejecting claim 21. Furthermore, Teal Teaches and describes a system and method, further comprising a set of instructions that, when executed by the processor, cause the processor to perform a computer method of

As per Claim 13 re-initiating the squelch period timer upon determination that the squelch period timer equals or exceeds the squelch period; and incrementing a frame counter upon determining the frame signature corresponds with the machine-readable signature file (col.5 line 9 to line 60).

As per Claim 14 determining if a frame counter exceeds the squelch threshold (col.5 line 9 to line 35, col.5line 45 to line 51).

As per Claim 15 suppressing execution of a directive of the signature file upon determination that the squelch threshold has been exceeded by the frame counter (col.4line 16 to line 40).

As per Claim 16 executing a directive of the signature file upon determination that the squelch threshold has not been exceeded by the frame counter (col.4 line 28 to line 58).

As per Claim 17 suppressing execution of a directive further comprises suppressing execution of a report generation associated with the determination that the frame signature corresponds with the machine-readable signature file (col.5 line 9 to line 22).

As per Claim 18-19 determining if: the squelch is enabled, the squelch is disabled (col.4 line 48 to col.5 line 60).

#### ***Conclusion***

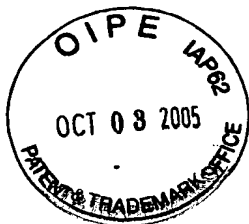
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Syed Zia whose telephone number is 571-272-3798. The examiner can normally be reached on 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz <sup>"Shake"</sup> Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
SZ

June 16, 2005



PATENT APPLICATION  
Sheet 1 of 1

FORM PTO-1449

ATTY. DOCKET NO.  
10014010-1

APPLICATION NO.  
10/003,501

CONFIRMATION NO.

LIST OF PATENTS AND PUBLICATIONS FOR  
APPLICANT'S INFORMATION DISCLOSURE  
STATEMENT

(Use several sheets if necessary)

APPLICANT

Richard Paul Tarquini, et al.

FILING DATE

10/31/2001

GROUP

TBD

REFERENCE DESIGNATION

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	PUBLICATION DATE	NAME	Pages, Columns, Lines Where Relevant Passages or Figures Appear
	1A			
	1B			
	1C			
	1D			
	1E			
	1F			
	1G			
	1H			
	1I			
	1J			
	1K			

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FOREIGN PATENT DOCUMENTS

	DOCUMENT NUMBER	PUBLICATION DATE	NAME OF PATENTEE OR APPLICANT	Pages/Columns/Lines Where Relevant Passages/Figures Appear	Check if Translation attached
<i>Jan</i>	1L WO03005666A	01/16/2003	Intel Corporation		
	1M				
	1N				
	1O				
	1P				

OTHER REFERENCES (including Author, Title, Date, Pertinent Pages, etc.)

	1Q	
	1R	
	1S	

EXAMINER

*Lynd Zm*

DATE CONSIDERED

*05/22/05*



<b>Notice of References Cited</b>	Application/Control No. 10/003,501	Applicant(s)/Patent Under Reexamination TARQUINI ET AL.	
	Examiner Syed Zia	Art Unit 2131	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-6,219,706 B1	04-2001	Fan et al.	709/225
	B	US-6,792,546 B1	09-2004	Shanklin et al.	713/201
	C	US-5,557,742 A	09-1998	Smaha et al.	713/200
	D	US-6,826,697 B1	11-2004	Moran, Douglas B.	713/201
	E	US-6,477,651 B1	11-2002	Teal, Daniel M.	713/200
	F	US-6,279,113 B1	08-2001	Vaidya, Vimal	713/201
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N					
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

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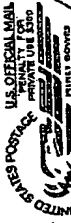
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ALEXANDRIA, VA 22313-1450

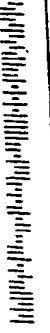
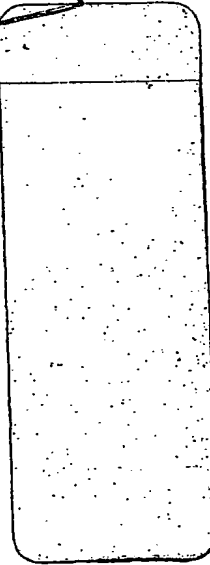
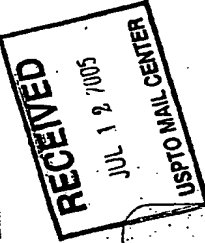
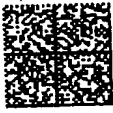
IF UNDELIVERABLE RETURN IN TEN DAYS

OFFICIAL BUSINESS

AN EQUAL OPPORTUNITY EMPLOYER



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0004205085  
JUN 30 2005  
MAILED FROM ZIP CODE 22314



Application Serial No. 10/003,501



Attorney Docket No. 10014010-1

**CONCLUSION**

Applicants have made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests reconsideration and full allowance of all pending claims.

No fee is believed due with this Response. If, however, Applicant has overlooked the need for any fee due with this Response, the Commissioner is hereby authorized to charge any fees or credit any overpayment associated with this Response to Deposit Account No. 08-2025 of Hewlett-Packard Company.

Respectfully submitted,

By: James L. Baudino  
James L. Baudino  
Reg. No. 43,486

Date: September 29, 2005

Correspondence to:  
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